

WT 06-173

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FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau
Radio Service Authorization

Approved by OMB
3060 - 0798
See instructions for
public burden estimate

1) Radio Service Code: CP	1a) Existing Radio Service Code:
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General Information

2) (Select only one) (EX)	
NE - New MD - Modification AM - Amendment	RO - Renewal Only RM - Renewal/Modification CA - Cancellation of License
AU - Administrative Update WD - Withdrawal of Application DU - Duplicate License	NT - Required Notifications EX - Requests for Extension of Time RL - Registered Location/Link
3a) If this application is for a Developmental License, Demonstration License, or a Special Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter 'N' (Not Applicable).	() <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM / DD
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments being filed with this application?	() <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(<u>N</u>) <u>Yes</u> <u>No</u>
10) Is the applicant exempt from FCC regulatory fees?	() <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	() <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s):
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004127932			
14) Applicant/Licensee legal entity type: (Select One) <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Unincorporated Association <input type="checkbox"/> Trust <input type="checkbox"/> Government Entity <input type="checkbox"/> Consortium <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Other (Description of Legal Entity)			
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() Yes No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): New York State Electric & Gas Corporation			
18) Attention To: Telecommunications Dept.			
19) P.O. Box: 5224	And/Or	20) Street Address: Corporate Drive-Kirkwood Industrial Park	
21) City: Binghamton	22) State: NY	23) Zip Code: 13902-5224	
24) Telephone Number: (607)762-8888		25) FAX: (607)762-7337	
26) E-Mail Address:			

27) Demographics (Optional):

Race: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African-American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
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Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
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Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

(☐) Common Carrier (☐) Non-Common Carrier (☐) Private, internal communications (☐) Broadcast Services (☐) Band Manager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

(☐) Fixed (☐) Mobile (☐) Radiolocation (☐) Satellite (sound) (☐) Broadcast Services

43) Interconnected Service?

(☐) Yes ☒ No

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government?

(☐) Yes ☒ No

45) Is the applicant an alien or the representative of an alien?

(☐) Yes ☒ No

46) Is the applicant a corporation organized under the laws of any foreign government?

(☐) Yes ☒ No

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

(☐) Yes ☒ No

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?

(☐) Yes ☒ No

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?

(☐) Yes ☒ No

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission?

(☐) Yes ☒ No

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?

(☐) Yes ☒ No

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?

(☐) Yes ☒ No

Aeronautical Advisory Station (Unicom) Certification

52) (☐) I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service?

(☐) Yes ☒ No

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities?

(☐) Yes ☒ No

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules?

(☐) Yes ☒ No

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules?

(☐) Yes ☒ No

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

- 1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
- 2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.*
*If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
- 3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
- 4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
- 5) The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
- 6) The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
- 7) The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
- 8) The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: Dennis	MI: T	Last Name: O'Dea	Suffix:
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57) Title:

Director - Support Services

Signature:

Dennis T O'Dea

58) Date:

06/15/2006**FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.**

Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).

**Schedule for Waiver
Request for Extension of Time for Wireless Services**

Approved by OMB
3060 - 0798
See 601 Main Form Instructions
for public burden estimate

1) Purpose

The purpose of this submission: Enter one purpose only - 1, 2, 3, 4, I, or S (2) See below and refer to instructions.

Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1 Extension of Time to meet 1st buildout/coverage requirements. (List call signs in 3a)
2 Extension of Time to meet 2nd buildout/coverage requirements. (List call signs in 3a)
3 Extension of Time to meet 3rd buildout/coverage requirements. (List call signs in 3a)
4 Extension of Time to meet 4th buildout/coverage requirements. (List call signs in 3a)
I Extension of Time to meet tribal lands buildout/coverage requirements. (List call signs in 3a)

Construction Requirements (Site-licensed services only)

- S Extension of Time to meet construction requirements (List, as applicable, call signs, locations or paths, and frequencies in Item 3.)

2) New Buildout/Coverage/Construction Expiration Date

Enter date (mm/dd/yy) requested: **12/31/2009**

Attach exhibit describing circumstances/justification.

3) Call Signs/Locations or Paths/Frequencies

3a) Call Sign	3b) Location Number	3c) Path Number (Microwave only)	3d) Center (Assigned) or Lower Frequency (MHz)	3e) Upper Frequency (MHz)
WPVF298				

Attachment(s):

Type

Description

Date Entered

W

Request for Extension & Consolidation of
Constr. Deadlines

06/15/2006

REQUEST FOR EXTENSION AND CONSOLIDATION OF CONSTRUCTION DEADLINES

Pursuant to sections 1.925 and 90.155(g) of the Federal Communications Commission's ("FCC") rules,¹ New York State Electric & Gas Corporation ("NYSEG") respectfully requests an extension and consolidation of the construction deadlines for its Part 22 Paging and Radiotelephone Service and Part 90 Private Land Mobile Radio Service ("PLMRS") licenses. The extension and consolidation are necessary to permit NYSEG to construct its 51-site statewide radio system ("Radio System") in an efficient and orderly manner. NYSEG's new Radio System will provide a significant enhancement to its existing communications network. As a provider of energy for over a million customers in New York State, its communications network is critical to its ability to provide reliable power services throughout the State.

NYSEG, a subsidiary of Energy East Corporation, currently holds two different types of licenses in the 150 MHz band: (1) twenty-five 152/158 MHz Basic Economic Area ("BEA") licenses regulated under Part 22; and (2) ten 150-174 MHz site-specific licenses for fifty-five 150 MHz frequency pairs regulated under Part 90. NYSEG is in the process of acquiring additional Part 22 licenses and asks that it be allowed to update this request to incorporate subsequently acquired licenses which will be part of its statewide Radio System.

Although NYSEG's 150 MHz licenses collectively are intended to be used for a single integrated trunked radio system, each type of license is subject to different construction and implementation requirements. For the Part 22 licenses, NYSEG "must construct or otherwise acquire and operate sufficient facilities to cover one third of the population in the paging geographic area" within three years after the initial grant of the license and two-thirds of the population within five years.² Alternatively, NYSEG "may demonstrate . . . that it provides substantial service to the paging geographic area" within five years after the initial license grant.³ For the Part 90 licenses, NYSEG must construct the licensed frequencies and place them into operation within twelve months after the grant of the license.⁴ Even within the Part 22 and Part 90 types of licenses, the construction deadlines vary depending on the grant date of the particular license.

NYSEG requests an extension to construct its Radio System until December 31, 2009. Below, NYSEG demonstrates good cause for a waiver of section 22.503(k) to extend the construction deadline for the 152/158 MHz frequencies authorized under the call signs listed on Exhibit A because the application of the construction deadlines in this case would not serve the

¹ 47 C.F.R. §§ 1.925, 90.155(g) (2005).

² *Id.* § 22.503(k)(1)-(2).

³ *Id.* § 22.503(k)(3). On June 6, 2005, the FCC accepted NYSEG's election of the substantial service alternative for the 152/158 MHz BEA licenses. FCC File No. 0002170307.

⁴ 47 C.F.R. § 90.155(a).

public interest and would impose inequitable and unduly burdensome obligations. NYSEG also requests an extension of time within which to construct and place into operation the 150-174 MHz Industrial/Business Pool licenses authorized under the call signs listed on Exhibit B. As discussed below, an extension is warranted because NYSEG will not have enough time to construct these licenses due to the complexity of the Radio System project and the fact that certain implementation requirements are beyond its control. An extension is also consistent with the FCC's treatment of similarly situated licensees.

Finally, NYSEG requests the consolidation of the inconsistent construction requirements applicable to the different types of license comprising its Radio System. When the FCC adopted the construction requirements for these radio services, it did not envision a single, integrated system incorporating Part 22 and Part 90 licenses. The FCC has also previously granted extensions and consolidations of construction deadlines involving similar circumstances.

I. BACKGROUND

A. NYSEG's Utility Communications

NYSEG is a subsidiary of Energy East Corporation, a super-regional energy services and delivery company in the northeastern United States. NYSEG serves approximately 848,000 electricity customers and 253,000 natural gas customers across more than forty percent of upstate New York.

NYSEG operates conventional private land mobile and various microwave communications systems throughout its widespread service territory. These wireless communications systems facilitate NYSEG's internal communications and permit the monitoring of its power generation and distribution systems. NYSEG uses these systems for a wide variety of needs, including mobile voice and dispatch, backhaul, electric and gas distribution system construction and operations, emergency response, customer service operations, training, and security management.

During power outages and natural disasters, NYSEG must respond quickly and efficiently to ensure continued service to its customers. Wireless communications are of the utmost importance in these situations, particularly given that severe weather can incapacitate wireline communications and the traffic on public cellular systems during emergency and disaster conditions can make those systems inaccessible. NYSEG's two-way and dispatch radio facilities provide essential communications for its crews during restoration of gas and electric service.

Even during routine operation of NYSEG's facilities, these wireless communications systems are indispensable. Utility employees need to engage in instantaneous, uninterrupted communications with each other and with NYSEG's headquarters to ensure that work is carried out promptly, safely, and efficiently. Effective and reliable radio communications are essential in light of the field crews' frequent work with high voltage electrical wires, natural gas lines with pressures up to 600 pounds per square inch, and other potentially hazardous features of the

operational infrastructure. These private radio systems allow field crew employees to respond to customer needs and to communicate with each other while coordinating inherently hazardous work. NYSEG crews must cover a widely dispersed geographic territory, including large rural areas of upstate New York. Improved area-wide communication among NYSEG's work crews is an important objective of the new Radio System.

Wireless communications systems will continue to be fundamental to NYSEG's utility operations. NYSEG supplies the core resources – gas and electricity – that permit modern society to function. Because industrial, business, and domestic operations depend on the availability of electric and gas power, NYSEG's utility services impact the lives of virtually everyone within its service territory. In addition to these customers, NYSEG is responsible for providing electricity and gas to critical facilities, including hospitals and other emergency care providers that employ life support systems and emergency response equipment. Disruptions in communications increase the risks to lives and property. Simultaneously, NYSEG must ensure the safety of field crews maintaining its infrastructure and delivering electricity and gas safely and efficiently to customers. Wireless communications are essential to enable NYSEG to keep its systems functioning on a 24-hour-a-day, 7-day-a-week, 365-day-a-year basis to avoid power outages that could deprive large areas and populations of electricity and gas services. It goes without saying that high reliability and rapid restoration of the power grid in disaster situations is among our nation's highest priorities. NYSEG's new Radio System will help it achieve those goals.

B. NYSEG's Radio System Project

NYSEG seeks to upgrade its private land mobile radio system to meet the operational demands of its expanding customer base. NYSEG intends to replace its existing VHF radio systems, which are comprised of a VHF digital simulcast system serving three company divisions and a 48 MHz single-channel simplex system serving ten other company divisions, with a single integrated, statewide Radio System that maximizes efficiency through trunking and frequency re-use. The existing VHF radio system consists of separate conventional VHF systems basically serving limited geographic regions within NYSEG's service territory. There is limited ability for these systems to intercommunicate. The new Radio System will feature fifty-one sites, with three frequency pairs per site allowing communications among all system users regardless of their location.

Because of severe spectrum shortages, assembling the frequencies necessary to build a new Radio System has been extremely difficult. For this reason, NYSEG has had to access several different sources of 150 MHz spectrum. For example, NYSEG has licensed several Part 22 Paging and Radiotelephone Service and Part 90 PLMRS frequencies over the past few years.⁵

⁵ Although NYSEG had licensed Part 90 PLMRS frequencies for its existing VHF radio systems, it decided to acquire exclusive-use Part 22 frequencies for its new system because of the extremely limited availability Part 90 frequencies that could be trunked.

In 2003, NYSEG acquired five Part 22 licenses for 152/158 MHz paired frequencies through an assignment from a geographic-area licensee.⁶ In 2004, NYSEG purchased an additional nineteen Part 22 licenses for 152/158 MHz paired or unpaired frequencies after participating in Auction No. 48.⁷ In June 2006, NYSEG received an assignment of another Part 22 license for 152/158 MHz paired frequencies from a geographic-area licensee.⁸ Between December 2005 and April 2006, NYSEG acquired Part 90 licenses for fifty-five 150-174 MHz Industrial/Business frequency pairs for trunked land mobile operations.⁹ Furthermore, NYSEG has not yet acquired all the frequencies it will need for this project.¹⁰

⁶ FCC File Nos. 0001280072 (WPVF298 and WPVF314) and 0001280246 (WPZP559, WPZP560, and WPZP561).

⁷ FCC File No. 0001347994 (WPZW633, WPZW634, WPZW635, WPZW636, WPZW637, WPZW638, WPZW639, WPZW640, WPZW641, WPZW642, WPZW643, WPZW644, WPZW645, WPZW646, WPZW647, WPZW648, WPZW649, WPZW650, and WPZW651).

⁸ FCC File No. 0002524160 (WPXN900). The FCC granted NYSEG a waiver of the common carrier requirement in sections 20.9(a)(6) and 22.7 to permit private, internal operations on all twenty-five of these Part 22 licenses. *Id.*; Letter from Katherine M. Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, FCC, to Christine M. Gill, Counsel for New York State Electric & Gas Corporation (Mar. 4, 2004).

⁹ FCC File No. 0002383880 (WQDZ733); FCC File No. 0002443816 (WQEG663); FCC File No. 0002463477 (WQEI789); FCC File No. 0002443366 (WQEQ270); FCC File No. 0002465933 (WQEQ261); FCC File No. 0002418334 (WQEQ425); FCC File No. 0002470646 (WQEQ426); FCC File No. 0002459263 (WQER995); FCC File No. 0002455241 (WQES833); and FCC File No. 0002459841 (WQET480).

¹⁰ In September 2005, the FCC consented to NYSEG's application for the assignment of two more Part 22 licenses for 152/158 MHz paired frequencies. Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of License Applications, *De Facto* Transfer Lease Applications and Spectrum Manager Lease Notifications Action, Report No. 2276A, *Public Notice* 10 (Oct. 5, 2005) (consenting to the assignment of call signs WPVF939 and WPVF940 under FCC File No. 0002302759 on September 30, 2005). In April and May 2006, the FCC accepted for filing applications to assign sixteen additional Part 22 licenses for 152/158 MHz paired frequencies from geographic-area licensees to NYSEG. Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of License Applications, *De Facto* Transfer Lease Applications and Spectrum Manager Lease Notifications Action, Report No. 2514, *Public Notice* 2 (May 24, 2006); Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of License Applications, *De Facto* Transfer Lease Applications and Spectrum Manager Lease Notifications Action, Report No. 2484, *Public Notice* 2 (Apr. 26, 2006).

The new Radio System will provide numerous advantages over the existing system. For example, by developing an integrated, trunked radio system spanning its entire service area, NYSEG will be much better equipped to respond to emergencies and to provide day-to-day maintenance of the electric and gas transmission and distribution systems. In addition, NYSEG will mitigate congestion currently experienced on its VHF conventional systems. The new Radio System will also provide state-of-the-art communications capabilities, greatly reduce communications and response times, and ensure effective communication among NYSEG employees in the field.

C. Implementation of the Radio System Will Require A Multi-Year Timetable

NYSEG has already commenced work on the new Radio System. As mentioned above, NYSEG has acquired several Part 22 and Part 90 frequencies for use in the new Radio System. NYSEG has retained an engineering firm to assist with the design of the system and the preparation of a frequency-use plan. NYSEG has also negotiated a contract with an equipment vendor.

Although NYSEG has taken several steps toward the implementation of the new Radio System, it will need additional time to complete construction because of the size and complexity of the system and the need to construct the 51 sites in a systematic fashion. In particular, the frequency-use plan and build-out schedule must incorporate Part 22 and Part 90 frequencies, which are governed by different technical, operational, and construction rules. Because NYSEG will likely use a mixture of Part 22 and Part 90 frequencies at most, if not all, sites, almost every one of the 51 sites will have different construction deadlines. In addition, each frequency pair at those sites could have a different construction deadline, depending on the grant date of the associated licenses. These different construction deadlines will complicate the systematic build-out of NYSEG's new Radio System, especially because the deadlines for Part 90 licenses are extremely short for this type of multi-year project.

The frequency-use plan and build-out schedule present other challenges related to the size and complexity of the new Radio System. For example, the preparation of a final frequency-use plan is difficult because NYSEG still needs to acquire additional frequencies to cover its expansive service area and meet its communications requirements. The frequency-use plan also will remain unsettled until NYSEG determines the technical and operational restrictions necessary to protect incumbent licenses in the United States and to obtain frequency coordination with Industry Canada for base stations or mobiles operating above Line A. Finally, the preparation of a frequency-use plan is complicated by the widely dispersed nature of NYSEG's service territory, which includes some of the most rural portions of New York, including the Adirondack Park.

NYSEG plans to proceed expeditiously with the construction of its Radio System. However, the timing of a number of critical events will be beyond its control. For example, NYSEG must secure approval from various governmental entities, including Industry Canada and the FCC, before proceeding with the construction and operation of its new Radio System. Because NYSEG operates primarily in upstate New York, nineteen of its proposed base station

transmitter sites and several of its mobile operations are subject to frequency coordination with Industry Canada. This ongoing frequency coordination process has already consumed several months and required many revisions to the frequency-use plan, delaying NYSEG's efforts to lease tower space and construct the radio facilities. NYSEG has also waited more than eight months to secure the FCC's final approval for the assignment of two partitioned and disaggregated licenses under Part 22 because of a technical waiver request submitted by the assignor. In addition, negotiating the lease of appropriate tower space where locations are constrained, and the pursuit of associated building permits, requires time. There are also significant physical and practical constraints on the ability to manufacture, factory test, deliver, install, field and coverage test, and implement a new radio system of this magnitude in an abbreviated period. Finally, NYSEG must schedule the construction of its Radio System to account for severe winter weather, which precludes construction during several months of the year.

Thus, based on these circumstances, NYSEG requires an extension and consolidation of its construction deadlines in order to complete this complex private land mobile Radio System in an orderly, efficient manner.

II. WAIVER OF CONSTRUCTION DEADLINES FOR PART 22 LICENSES

The FCC may grant a waiver of its rules when (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest; or (2) in view of the unique or unusual circumstances of the case, application of the rule would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.¹¹

NYSEG requests a waiver of the construction deadlines in section 22.503(k) of the FCC's rules. Specifically, NYSEG seeks an extension to demonstrate substantial service on its twenty-five 152/158 MHz BEA licenses from June 21, 2007 (five Auction 40 licenses), May 13, 2008 (one Auction 40 license), and March 30, 2009 (nineteen Auction 48 licenses), to December 31, 2009. As discussed below, NYSEG has demonstrated good cause for a waiver because the application of the construction deadlines would not promote the timely use of this spectrum, would not serve the public interest, and would impose inequitable and unduly burdensome obligations.

1. The Application of the Construction Deadlines Would Not Serve the Underlying Purpose of the Rule

A grant of the requested waiver would promote the underlying purpose of the construction deadlines. Although the FCC adopted the construction deadline to promote spectrum efficiency and to prevent spectrum warehousing, an extension of these deadlines would

¹¹ *Id.* § 1.925.

actually increase the overall use of the Paging and Radiotelephone Service spectrum in the 152/158 MHz band, further the FCC's policy objectives, and not harm competition in the paging industry.

A waiver would increase the overall use of the Paging and Radiotelephone Service spectrum. When the FCC initially auctioned the Paging and Radiotelephone Service frequencies in 2001, thousands of licenses remained unsold. Even when the FCC re-auctioned the spectrum in Auction No. 48, NYSEG was often the only bidder for the frequencies in its service area. Because of the underutilization of these frequencies, especially in rural areas, a waiver of NYSEG's construction deadlines would guarantee that this spectrum does not lay fallow indefinitely.

Furthermore, a waiver would help to fulfill the FCC's other spectrum policy objectives. For example, if the FCC were to extend the construction deadlines for these licenses, it would encourage growth and rapid deployment of innovative and efficient communications technologies. The FCC would also ensure that the spectrum is put to its highest and best use.

A waiver would not harm competition in the paging industry. In the years since the establishment of the Paging and Radiotelephone Service, the paging industry has witnessed the emergence of new competitors and services. The FCC recently observed that numerous mobile voice providers have expanded their businesses to offer mobile data service, such as paging and text messaging, "using the same spectrum, network facilities, and customer equipment."¹² Although the FCC estimated that the number of paging subscribers had fallen to 8.5 million paging units as of the end of 2004,¹³ it reported that "[t]he number of mobile data users appears to be rising both absolutely and as a percentage of the mobile telephone subscriber base."¹⁴ The FCC further noted that "the major mobile telephone carriers and other mobile data providers have progressively introduced a wide variety of mobile data services and applications."¹⁵ Because of the ubiquitous nature of mobile data services, the grant of this waiver request would not materially impact the market for these services. Finally, by granting NYSEG Part 22 licenses that can be used for a private land mobile system, the FCC has already found it is in the public interest for this spectrum not to be used for commercial paging operations. The FCC also recently changed its rules to allow this flexibility to other applicants.¹⁶ Accordingly, the question

¹² In re Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, WT Docket No. 05-71, *Tenth Report*, 20 FCC Rcd 15908 ¶ 17 (2005).

¹³ *Id.* ¶ 166.

¹⁴ *Id.* ¶ 165.

¹⁵ *Id.* ¶ 139.

¹⁶ In re Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Services, WT Docket No. 03-103, *Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 4403, 4446 ¶ 101, 4447 ¶ 103, 4450 ¶ 113-114, 4464 ¶ 168. When the FCC proposed this amendment to the Part 22 rules, it reasoned that the

(continued...)

of whether the extension will harm competition in the paging service is not material in these circumstances.

2. An Extension of the Construction Deadlines Would Be in the Public Interest

A waiver of section 22.503(k) would also serve the public interest by permitting NYSEG to use the Paging and Radiotelephone Service frequencies in support of its utility operations. These proposed operations would have a direct beneficial impact on the public because they would assist NYSEG in maintaining the safety and reliability of the electric grid and natural gas delivery infrastructure. As mentioned above, a waiver would also increase the overall use of the Paging and Radiotelephone Service spectrum in the 152/158 MHz band, fulfill the FCC's spectrum policy objectives, and not result in any competitive harm.

3. The Application of the Construction Deadlines Would Be Inequitable, Unduly Burdensome and Contrary to the Public Interest

The application of the construction deadlines to NYSEG would be inequitable, unduly burdensome, and contrary to the public interest because of the unique nature of NYSEG's proposed Radio System. As discussed above, the proposed Radio System is unique because of its enormous size and complexity. The proposed Radio System also will provide coverage to widely dispersed areas and some of the most rural parts of New York. Because the proposed Radio System will operate in upstate New York, NYSEG must coordinate its operations with U.S. licensees and with Industry Canada. The proposed Radio System is also unique because it will incorporate Part 22 and Part 90 frequencies, which are subject to different technical, operational, and construction requirements. Finally, if the FCC were to decline to grant a waiver for these licenses, it would be difficult for NYSEG to use them to support its critical utility operations in furtherance of the public interest.

III. EXTENSION OF CONSTRUCTION DEADLINES FOR PART 90 LICENSES

The FCC may grant an extension of time to commence service on 150 MHz frequencies licensed under Part 90 of its rules. Section 90.155(g) permits licensees to request an extension of time to commence service on 150 MHz Industrial/Business licenses. The FCC will grant an

common carrier requirement had "become obsolete as a result of meaningful economic competition among providers of wireless services." In re Biennial Regulatory Review – Amendment of Parts 1, 22, and 90 of the Commission's Rules, WT Docket No. 03-103, *Notice of Proposed Rule Making*, 18 FCC Rcd 8380, 8383 ¶ 5 (2003). The FCC further noted that this requirement was inconsistent with the open eligibility for other wireless services and, thus, conflicted with the regulatory parity policies for such services. *Id.* at 8392-94 ¶ 28-30.

extension "if the licensee shows that the failure to commence service is due to causes beyond its control."¹⁷

NYSEG requires an extension to construct and place its fifty-five 150-174 MHz site-specific frequency pairs into operation. In particular, NYSEG requests an extension of the various twelve-month construction deadlines until December 31, 2009.¹⁸ As discussed below, an extension is warranted because NYSEG will not have enough time to construct these licenses due to events beyond its control. An extension is also consistent with the FCC's treatment of similarly situated licensees.

An extension is appropriate because NYSEG will not have enough time to construct these licenses due to events beyond its control. Although the enormous size and complexity of the system will contribute to the multi-year period required to construct the new Radio System, these events are the primary reason for NYSEG's inability to complete the construction of its Part 90 licenses within the requisite twelve-month periods. As discussed above, NYSEG must secure approval from various governmental entities, including Industry Canada and the FCC, and obtain appropriate local approvals for certain facilities, before proceeding with the construction and operation of its new Radio System. NYSEG also must account for severe winter weather conditions that preclude construction during several months of the year.

An extension is also consistent with the FCC's treatment of similarly situated licensees. The FCC authorizes systems of similar design and complexity with construction periods up to five years in the land mobile bands above 800 MHz.¹⁹ Similarly, the FCC authorizes Public Safety eligibles to construct land mobile systems on frequencies in the 150-174 MHz band within five years under the same conditions as apply to systems above 800 MHz.²⁰ In amending this extended implementation rule specifically for the benefit of Public Safety eligibles, the FCC did not suggest that non-Public Safety eligibles could not also qualify for construction periods of up to five years. The FCC proposed and adopted this rule without any discussion of why it applied only to Public Safety eligibles.

The policy reasons for this extended implementation rule apply equally to critical infrastructure entities, such as NYSEG, operating in the 150 MHz band:

¹⁷ 47 C.F.R. § 90.155(g).

¹⁸ As currently authorized, the construction deadlines for NYSEG's 150 MHz Industrial/Business licenses are December 8, 2006, January 20, 2007, February 6, 2007, March 22, 2007, March 23, 2007, March 31, 2007, April 5, 2007, and April 10, 2007. Exhibit B.

¹⁹ 47 C.F.R. § 90.629.

²⁰ 47 C.F.R. § 90.155(b); In re 1998 Biennial Regulatory Review – 47 C.F.R. Part 90 – Private Land Mobile Radio Services, WT Docket No. 98-182, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 16673, 16678-79 ¶ 11-12, 16702 (2000).

APCO argues that the distinction between systems operating above and below 800 MHz is about to change because the rules adopted in the *Refarming Proceeding* will lead to the availability of new narrowband equipment and the possibility of using trunked equipment. This will, in turn, lead to larger, more complex public safety systems, and applicants for these systems are unlikely to be able to secure approvals and funding prior to when they would ordinarily seek licenses from the Commission. Thus, APCO suggests that these systems should be treated in a similar fashion to the 800 MHz systems eligible for "slow growth" consideration under Section 90.629.

We concur with APCO that eligible applicants for new public safety radio systems that require extensive planning, approval, funding, equipment acquisition, and construction, should be subject to the same regulatory requirements, regardless of the operating frequency(ies). . . . This rule change would account for recent changes in the Commission's rules below 800 MHz that create a new environment that fosters use of narrowband and trunked equipment. Further, the proposed rules will promote consistency in procedural treatment of systems in the new environment below 800 MHz with treatment of systems that have been, and continue to be, in a similar environment above 800 MHz.²¹

The FCC amended section 90.155(b) without further discussion or explanation. Thus, the FCC evidently adopted the amendment for the very reasons given in the *Notice of Proposed Rulemaking*.

The same policy considerations support an extension of the construction deadline for NYSEG. NYSEG has licensed a trunked, narrowband system designed to meet the efficiency standards established in the FCC's refarming proceeding. The proposed system is also more complex than land mobile systems typically licensed in the 150 MHz band because of the extremely wide area involved, the incorporation of frequencies from Part 22 and Part 90, the requirement of frequency coordination with Industry Canada, and the use of trunking technology.²² In addition, because of its status as a regulated utility providing essential public services, NYSEG's planning, approval, funding, equipment acquisition, and construction are

²¹ In re 1998 Biennial Regulatory Review – 47 C.F.R. Part 90 – Private Land Mobile Radio Services, WT Docket No. 98-182, *Notice of Proposed Rulemaking*, 13 FCC Rcd 21133, 21138 ¶ 12-13 (1998).

²² Because of the use of trunking technology, NYSEG's radio system must be licensed on exclusive frequency assignments. Cf. In re Southern California Gas Company, *Memorandum Opinion and Order*, 14 FCC Rcd 17259, 17261 ¶ 7 (1999) (denying slow-growth status for a six-site conventional land mobile system, noting that the frequencies for conventional systems in the 150-174 MHz band are shared so the licensee could reapply for its requested channels at such time as it had the necessary funding to construct the stations).

comparable to that of a public safety agency.²³ Finally, the net effect of granting NYSEG's request will be approximately a four-year construction period, until December 31, 2009, which is less than the five years permitted for systems of comparable complexity in the bands above 800 MHz.

IV. CONSOLIDATION OF CONSTRUCTION DEADLINES

The FCC should grant the requested extension and consolidation of the construction deadlines for the Part 22 and Part 90 licenses. Although NYSEG has justified a waiver and extension of the construction deadlines under sections 1.925 and 90.155(g), the FCC should also grant the requested relief because it has extended and consolidated inconsistent construction deadlines under similar circumstances.²⁴

In *National Rural Telecommunications Cooperative ("NRTC")*, the Wireless Telecommunications Bureau granted an extension and consolidation of the construction deadlines requirements for a 220 MHz licensee.²⁵ The licensee held three different types of 220 MHz spectrum, each subject to a different construction deadline and requirement.²⁶ The Wireless Bureau found that a uniform set of construction requirements was warranted "[i]n light

²³ In a number of rulemaking proceedings, the FCC has recognized that utilities are part of the nation's critical infrastructure and that they need reliable communications facilities to fulfill their public service obligations. *E.g.*, In re Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969, 14974 ¶ 4 n.11 (2004) (concluding that "the very nature of services provided by . . . [utilities] involves potential hazard to life and property" and that utilities "often work hand-in-hand with Public Safety officials at the scene or an incident" and that reliable [utility] radio communications have long proven essential in speeding recovery from natural or man-made disasters"); In re The 4.9 GHz Band Transferred from Federal Use, WT Docket No. 00-32, *Second Report and Order and Further Notice of Proposed Rule Making*, 17 FCC Rcd 3955, 3971 ¶ 33 (2002) ("The very nature of the services provided by [utilities] involve potential hazards, or responding to emergency circumstances. Furthermore, such entities need reliable communications in order to prevent or respond to disasters or crises affecting their service to the public. We also recognize that in the course of their duties, these entities will need to interact with the traditional public safety service providers, and the inability to do so may affect the ability of both groups of public safety entities to fulfill their missions.").

²⁴ In re Intek License Acquisition Corp. Request for Waiver and Consolidation of 220 MHz Construction Requirements, *Memorandum Opinion and Order*, 16 FCC Rcd 16431 (2001); In re National Rural Telecommunications Cooperative, LLC Request for Waiver and Consolidation of 220 MHz Construction Requirements, File No. 131693, *Memorandum Opinion and Order*, 15 FCC Rcd 13402 (2000) [hereinafter *NRTC Order*].

²⁵ *NRTC Order*, 15 FCC Rcd at 13404-05 ¶ 8-12.

²⁶ *Id.* at 13402-03 ¶ 2-3.

of the fact that NRTC is using all of its licensed facilities to build a single integrated system."²⁷ The Wireless Bureau further noted that a consolidation of the construction requirements was "well suited to NRTC's planned deployment of service in rural, sparsely populated areas."²⁸ Thus, the petitioner received an extension of more than four years and eight months for one type of license and a consolidation of the construction requirements for all three types of license.²⁹

The FCC should grant NYSEG an extension and consolidation of its Part 22 and Part 90 construction deadlines for the same reasons that it granted an extension in *NRTC*. NYSEG holds 150 MHz licenses that are subject to multiple construction deadlines: December 8, 2006, January 20, 2007, February 6, 2007, March 22, 2007, March 23, 2007, March 31, 2007, April 5, 2007, April 10, 2007, June 21, 2007, and March 30, 2009.³⁰ As with the licensee in *NRTC*, NYSEG seeks to construct and implement a "single integrated system" and to serve "rural, sparsely populated areas." Although the FCC granted the licensee in *NRTC* an extension of almost five years for one type of license, NYSEG only seeks an extension of (1) nine months for nineteen licenses, (2) less than two years for another license, (3) less than three years for fourteen additional licenses, and (4) approximately three years for one, final license.

V. CONCLUSION

NYSEG respectfully requests an extension and consolidation of the construction deadlines for its Part 22 and Part 90 licenses. As discussed above, the grant of a waiver of section 22.503(k), and an extension under section 90.155(g), would provide NYSEG with enough time to complete the planning and construction of its proposed statewide system, permit the use of the spectrum in support of utility operations, and advance the FCC's policy objective of encouraging growth and rapid deployment of innovative and efficient communications technologies. The consolidation would also eliminate the burdens of managing different construction deadlines for different types of licenses.

²⁷ *Id.* at 13404-05 ¶ 8.

²⁸ *Id.* at 13405 ¶ 9.

²⁹ *Id.* at 13402-03 ¶ 3-5, 13405 ¶ 9-10; In re National Rural Telecommunications Cooperative, LLC Request for Waiver and Consolidation of 220 MHz Construction Requirements, File No. 0000131693, *Order on Reconsideration*, 17 FCC Rcd 4398, 4399 ¶ 5 (2002).

³⁰ Exhibits A, B.

EXHIBIT A
Part 22 Paging and Radiotelephone Service
Licenses and Construction Deadlines

BEA	Market Name	Channel Block	Call Sign	Frequency (MHz)	1st Build-Out Date	2nd Build-Out Date
004	Burlington, VT-NY	FC	WPZW633	152.09/158.55	3/30/2007	3/30/2009
004	Burlington, VT-NY	FG	WPZW634	152.21/158.67	3/30/2007	3/30/2009
004	Burlington, VT-NY	FH	WPZW635	152.51/157.77	3/30/2007	3/30/2009
004	Burlington, VT-NY	FL	WPZW636	152.63/157.89	3/30/2007	3/30/2009
005	Albany-Schenectady-Troy, NY	FB	WPZW637	152.06/158.52	3/30/2007	3/30/2009
005	Albany-Schenectady-Troy, NY	FC	WPZW638	152.09/158.55	3/30/2007	3/30/2009
005	Albany-Schenectady-Troy, NY	FG	WPZW639	152.21/158.67	3/30/2007	3/30/2009
005	Albany-Schenectady-Troy, NY	FH	WPZW640	152.51/157.77	3/30/2007	3/30/2009
005	Albany-Schenectady-Troy, NY	FL	WPZW641	152.63/157.89	3/30/2007	3/30/2009
005	Albany-Schenectady-Troy, NY	FO	WPZW642	152.72/157.98	3/30/2007	3/30/2009
006	Syracuse, NY-PA	EA	WPZW643	152.24	3/30/2007	3/30/2009
006	Syracuse, NY-PA	EC	WPZW644	158.1	3/30/2007	3/30/2009
006	Syracuse, NY-PA	ED	WPZW645	158.7	3/30/2007	3/30/2009
007	Rochester, NY-PA	FR	WPVF298	152.81/158.07	6/21/2005	6/21/2007
007	Rochester, NY-PA	EA	WPZW646	152.24	3/30/2007	3/30/2009
007	Rochester, NY-PA	EC	WPZW647	158.1	3/30/2007	3/30/2009
007	Rochester, NY-PA	ED	WPZW648	158.7	3/30/2007	3/30/2009
008	Buffalo-Niagara Falls, NY-PA	FR	WPVF314	152.81/158.07	6/21/2005	6/21/2007
008	Buffalo-Niagara Falls, NY-PA	EA	WPZW649	152.24	3/30/2007	3/30/2009
008	Buffalo-Niagara Falls, NY-PA	EC	WPZW650	158.1	3/30/2007	3/30/2009
008	Buffalo-Niagara Falls, NY-PA	ED	WPZW651	158.7	3/30/2007	3/30/2009

BEA	Market Name	Channel Block	Call Sign	Frequency (MHz)	1st Build-Out Date	2nd Build-Out Date
008	Buffalo-Niagara Falls, NY-PA	FM	WPXN900	152.66/157.92	5/13/2006	5/13/2008
010	New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	FE	WPZP559	152.15/158.61	6/21/2005	6/21/2007
010	New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	FL	WPZP560	152.63/157.89	6/21/2005	6/21/2007
010	New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	FN	WPZP561	152.69/157.95	6/21/2005	6/21/2007

EXHIBIT B
Part 90 Private Land Mobile Radio Service
Licenses and Construction Deadlines

Radio Service	Call Sign	Location	Frequency	Construction Deadline
YG	WQDZ733	Lockwood	153.2150 MHz	12/8/2006
			153.4100 MHz	12/8/2006
			153.5075 MHz	12/8/2006
			158.2425 MHz	12/8/2006
			158.4375 MHz	12/8/2006
			159.9300 MHz	12/8/2006
		Oneonta-8	153.0725 MHz	12/8/2006
			153.5825 MHz	12/8/2006
			153.7175 MHz	12/8/2006
			158.2575 MHz	12/8/2006
			158.2650 MHz	12/8/2006
			159.9150 MHz	12/8/2006
YG	WQEG663	East Branch	153.1325 MHz	1/20/2007
			153.1475 MHz	1/20/2007
			153.6950 MHz	1/20/2007
			159.8550 MHz	1/20/2007
			160.0575 MHz	1/20/2007
			160.1775 MHz	1/20/2007
		Cobleskill	152.8925 MHz	1/20/2007
			153.1850 MHz	1/20/2007
			153.7100 MHz	1/20/2007
			158.2125 MHz	1/20/2007
			159.5925 MHz	1/20/2007
			159.8925 MHz	1/20/2007
		Bear Spring	153.0650 MHz	1/20/2007
			153.2600 MHz	1/20/2007
			159.8550 MHz	1/20/2007
			159.9600 MHz	1/20/2007
		Oneonta-10	151.7300 MHz	1/20/2007
			151.7900 MHz	1/20/2007
			151.9700 MHz	1/20/2007
			158.1600 MHz	1/20/2007

Radio Service	Call Sign	Location	Frequency	Construction Deadline
			158.1825 MHz	1/20/2007
			159.8250 MHz	1/20/2007
		Mt. Utsayantha	153.0575 MHz	1/20/2007
			153.3275 MHz	1/20/2007
			153.5900 MHz	1/20/2007
			158.2500 MHz	1/20/2007
			159.8325 MHz	1/20/2007
			159.8625 MHz	1/20/2007
YG	WQE1789	Mechanicville SC	153.0650 MHz	2/6/2007
			153.3200 MHz	2/6/2007
			153.3950 MHz	2/6/2007
			158.2500 MHz	2/6/2007
			159.9600 MHz	2/6/2007
			160.1250 MHz	2/6/2007
YG	WQEQ270	Hoosick	153.0575 MHz	3/22/2007
			153.5000 MHz	3/22/2007
			158.2500 MHz	3/22/2007
			158.3550 MHz	3/22/2007
		Burch Hill	151.7300 MHz	3/22/2007
			153.2525 MHz	3/22/2007
			153.4700 MHz	3/22/2007
			158.2500 MHz	3/22/2007
			158.3550 MHz	3/22/2007
			159.9600 MHz	3/22/2007
YG	WQEQ261	Ingraham Hill	153.6950 MHz	3/22/2007
			160.0200 MHz	3/22/2007
		Elmira-8	153.2750 MHz	3/22/2007
			153.4250 MHz	3/22/2007
			158.2800 MHz	3/22/2007
			158.4375 MHz	3/22/2007
		Connecticut Hill	153.6425 MHz	3/22/2007
			153.7100 MHz	3/22/2007
			158.2500 MHz	3/22/2007
			159.9300 MHz	3/22/2007

Radio Service	Call Sign	Location	Frequency	Construction Deadline
		Harford	153.4100 MHz	3/22/2007
			158.2950 MHz	3/22/2007
YG	WQEQ425	Limestone	153.5300 MHz	3/23/2007
			153.5900 MHz	3/23/2007
			153.6200 MHz	3/23/2007
			158.1900 MHz	3/23/2007
			160.0800 MHz	3/23/2007
			160.1850 MHz	3/23/2007
		Flatiron	151.6700 MHz	3/23/2007
			153.5600 MHz	3/23/2007
			153.7250 MHz	3/23/2007
			158.3400 MHz	3/23/2007
			160.0950 MHz	3/23/2007
			160.2000 MHz	3/23/2007
		Jasper	153.2000 MHz	3/23/2007
			153.6500 MHz	3/23/2007
			153.6950 MHz	3/23/2007
			158.1600 MHz	3/23/2007
			159.9150 MHz	3/23/2007
			160.1400 MHz	3/23/2007
YG	WQEQ426	Cherry Valley	151.9700 MHz	3/23/2007
			160.1250 MHz	3/23/2007
		NY East Waterville	153.6500 MHz	3/23/2007
			159.9900 MHz	3/23/2007
YG	WQER995	Italy Hill	153.0500 MHz	3/31/2007
			158.4375 MHz	3/31/2007
		Elbridge	153.6500 MHz	3/31/2007
			159.9150 MHz	3/31/2007
		Scipio	151.8500 MHz	3/31/2007
			158.3550 MHz	3/31/2007
YG	WQES833	Lockport SC	153.6350 MHz	4/5/2007

Radio Service	Call Sign	Location	Frequency	Construction Deadline
			159.7800 MHz	4/5/2007
		Erie Street	153.6800 MHz	4/5/2007
			159.9450 MHz	4/5/2007
YG	WQET480	Rattlesnake	153.1100 MHz	4/10/2007
			159.6600 MHz	4/10/2007
		Terry Mountain	153.1175 MHz	4/10/2007
			158.2650 MHz	4/10/2007
		Mt. Morris	152.9600 MHz	4/10/2007
			158.3925 MHz	4/10/2007
		Lowville Svc Ctr	153.2150 MHz	4/10/2007
			153.4850 MHz	4/10/2007
			159.9900 MHz	4/10/2007
			160.1400 MHz	4/10/2007